

### REMARKS

Reconsideration is requested for claims 1-2.

The Abstract was objected to. A new Abstract accompanies the present Amendment and addresses the grounds for objection. Withdrawal of the objection is cordially urged.

Claims 1-2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,733,626 to *Middleton* in view of U.S. Patent No. 6,383,129 to *Ardizzone et al.* and U.S. Patent No. 6,448,306 to *Lever et al.* *Middleton* is alleged to have all of the features of claim 1 except an outer spandex layer and that a neoprene layer be anti-bacterial and include bio-ceramics. *Lever* is cited as disclosing rubber articles such as neoprene that incorporate antimicrobial compounds to provide anti-bacterial properties.

*Ardizzone et al.* is cited as disclosing a therapeutic device that uses bio-ceramic fibers to take advantage of their far infrared wave emitting characteristics when heated above body temperature. It was asserted that one of ordinary skill would have provided bio-ceramic fibers in a middle layer of a fabric to provide therapeutic warming. However, *Ardizzone et al.* only discloses the use of bio-ceramic fibers encased in what appears to be some kind of magnetic medallion that is used for magnetotherapy. There is no disclosure of using bio-ceramic fibers in a fabric usable for clothing, or combining the fibers with other materials such as anti-bacterial neoprene. Accordingly, it is respectfully submitted that the prior art provides no motivation for one skilled in the art to modify *Middleton* in view of *Ardizzone et al.*

In view of the differences between claim 1 and the cited references, it is respectfully submitted that claim 1 and claim 2, which depends from claim 1, define patentably over the cited references. Allowance of these claims is cordially urged.


It is respectfully submitted that the present application is in condition for allowance. Allowance is cordially urged.

If the Examiner should be of the opinion that a telephone conference would be helpful in resolving any outstanding issues, the Examiner is urged to contact the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By:   
Harold R. Brown III  
Registration No. 36,341

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620